

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

JUSTINO RAMIREZ,)	CIVIL ACTION NUMBER: 9:11-cv-00767-RMG
)	
Plaintiff,)	
)	
-vs-)	COMPLAINT
)	(JURY TRIAL REQUESTED)
O` REA & SONS HARVESTING &)	
HAULING, INC., MARTIN GARCIA,)	
and YESENIA L. MERINO,)	
)	
Defendants.)	
)	

Plaintiff alleges:

1. Plaintiff is a citizen and resident of Beaufort County South Carolina. Upon information and belief Defendant O'Rea and Sons Harvesting and Hauling, Inc. (O` Rea) is incorporated in the State of Georgia, and transacts business in Beaufort County South Carolina. Upon information and belief Defendant Martin Garcia (Garcia) is a citizen and resident of the State of Texas. Upon information and belief Defendant Yesenia L. Merino (Merino) is a citizen and resident of Metter, Georgia.
2. This Court has jurisdiction by virtue of diversity of citizenship.

3. At all times herein mentioned Defendant Garcia was an employee and/or agent of O'Rea and/or Merino.

4. On June 28, 2010, at approximately noon Plaintiff was working in a field harvesting crops in Beaufort County South Carolina. Defendant Garcia, operating a vehicle owned by Yesenia Merino, caused the vehicle to roll over Plaintiff's body.

5. Defendants were negligent and reckless in one or more of the following ways:

- a) Failing to monitor the location of individuals and/or in the vicinity of the vehicle;
- b) Failing to keep a proper lookout;
- c) Traveling at an unsafe rate of speed;
- d) Failing to execute proper maneuvers to avoid Plaintiff;
- e) Failing to exercise the degree of caution a reasonable and prudent person would have exercised under the same circumstances.

6. As a direct result of Defendants` negligence/recklessness Plaintiff has sustained the following damages:

- a) Medical bills including hospital, physician, and prescription charges;
- b) Lost wages;

- c) Impairment of earning capacity;
- d) Physical and mental pain and suffering;
- e) Permanent impairment.

WHEREFORE, Plaintiff demands judgment against Defendants, individually and severally, in such amounts of actual and punitive damages as a trier of fact shall determine, for the costs of this action, and for such further relief as the court deems proper.

DRIGGERS LAW FIRM

/s/JOHNNY F. DRIGGERS, ESQUIRE

Post Office Box 757

108 Central Avenue, Suite 7

Goose Creek, South Carolina 29445

(843) 572-8222

Federal ID #606

ATTORNEY FOR PLAINTIFF

Goose Creek, South Carolina

March 30, 2011.